

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

SEAN PARNELL, GOVERNOR

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SPECIAL AREA PERMIT FH-11-IV-GP15-SA

ISSUED: January 1, 2011
EXPIRED: December 31, 2011

General Public:

Re: Goose Bay State Game Refuge - Off-Road Vehicle Use

In response to public need for access to and across the Goose Bay State Game Refuge, the Alaska Department of Fish and Game, Division of Habitat has determined that both the public interest and the proper protection of fish and wildlife and their habitat would be served by the issue of a General Permit pursuant to 5 AAC 95 authorizing certain off-road motorized vehicle use in the Goose Bay State Game Refuge (SGR).

The Goose Bay SGR was created pursuant to AS 16.20.030 to protect and preserve natural habitat and game populations. Activities conducted within the Goose Bay SGR are subject to the statewide standards and enforceable policies of the Alaska Coastal Management Program and the Matanuska-Susitna Borough District Coastal Management Program. In order for vehicle use in the Goose Bay SGR to be consistent with these programs, this use must be conducted in accordance with the standard alternative measures identified in Generally Consistent Determination GCD-42 (attached).

Pursuant to 5 AAC 95, the off-road use of any wheeled, tracked, or other ground effect motorized vehicle less than 1,000 pounds dry vehicle weight on public lands within the Goose Bay SGR is authorized subject to the following stipulations:

1. From **November 9 through March 31** ground effect motorized vehicles may be operated on all refuge land provided there is at least a 12-inch snow cover and sufficient ground frost to prevent penetration of or disturbance to the soil surface or plant roots.
2. Ice cover on wetlands or other water bodies must be of sufficient thickness to support the weight-bearing load of the off-road vehicle.
3. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, excepting legal and permitted hunting, fishing, and gathering of fish and game.
4. Vehicle use shall not restrict public access to and use of fish and wildlife resources.
5. No vehicle shall be operated below the ordinary high water line (vegetation line) of any unfrozen river, lake, or stream specified to contain anadromous fishes.
6. No fuel shall be stored nor shall vehicles leaking fuels, oils, hydraulic, or cooling fluids be operated in the Goose Bay State Game Refuge.

Please be advised that this authorization applies to public lands within the Goose Bay SGR and does not authorize the use of or trespass onto private lands. The off-road use of a wheeled, tracked, or other ground-effect motorized vehicle other than specified above is not allowed, except by individual Special Area Permit. Please contact the Division of Habitat at (907) 861-3200 for more information.

activity that deviates from the approved activity, the responsible party shall notify the Division of Habitat at the above letterhead address or telephone number, and obtain written approval in the form of an individual Special Area Permit before beginning the activity. Any action taken by the permittee or an agent of the permittee that increases the activity's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this General Permit will be deemed a significant deviation from the approved activity. The final determination relative to the significance of any deviation and the need for an individual Special Area Permit is the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a General Permit issued under the authority of 5 AAC 95. Please be advised that this approval does not relieve you of the responsibility for securing other permits: state, federal, or local.

Pursuant to 11 AAC 112.020(b)(2), the conditions of this permit are consistent with the Alaska and Matanuska-Susitna Borough Coastal Management Programs.

The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use, which the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

The recipient of this permit (the permittee) shall indemnify, save harmless, and defend the Division of Habitat, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the Division of Habitat's negligence.

Pursuant to 5 AAC 95.920, an interested person may initiate an appeal of a decision made under this chapter in accordance with the provisions of AS 44.62.330 - 44.62.630 by requesting a hearing under AS 44.62.370.

Sincerely,

Cora Campbell, Commissioner



By: Michael L. Bethe, Habitat Biologist
Division of Habitat
(907) 861-3202

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Enclosure: GCD-42, Operation of Motorized Wheeled or Tracked Vehicles

cc: C. Cox, DMLW	S. Ivey, SF	W. Bessel, DPOR	T. Kavalok, WC
J. Meehan, WC	E. Weiss, WC	S. Lee, MSB	T. Oleck, AWT
A. Oels, WC	M. Fink, Habitat	D. Massie, AWT	M. Agnew, AWT
A. Ott, Habitat	R. Price, SF	D. Hill, WC	R. Piorkowski, SF
G. O'Doherty, SF	M. Daigneault, Habitat		

GENERALLY CONSISTENT DETERMINATION GCD-42

OPERATION OF MOTORIZED WHEELED OR TRACKED VEHICLES IN STATE GAME REFUGES, CRITICAL HABITAT AREAS, AND SANCTUARIES

The following activity is consistent with the Alaska Coastal Management Program per 11 AAC 110.730 when conducted according to the standard alternative measures listed below. This approval does not relieve the applicant from obtaining required permits and approvals from local, State, and federal individual agencies.

DESCRIPTION OF THE ACTIVITY

The off-road use of any wheeled or tracked motorized vehicle, less than or equal to 10,000 pounds gross vehicle weight, on legislatively designated Special Area uplands or tidelands (i.e. sanctuaries, game refuges, and critical habitat areas). This generally consistent determination does not apply to construction equipment such as bull dozers, backhoes, or loaders; camps; or other activities that disturb coastal resources or habitats.

Authority: AS 16.20
5 AAC 95

Permits: Special Area Permit (DFG)

Region: Statewide in legislatively designated State Game Refuges, Critical Habitat Areas, and Sanctuaries

PROCEDURE

For related travel authorizations, refer to generally consistent determinations GCD-5 (Equipment Crossing of Streams), GCD-5A (Low Water Crossings), GCD-19 (Cross-country Movement of Equipment in Winter/Summer), and GCD-34 (Ice Road and Ice Pad Construction in the North Slope Borough).

Permittee shall consult the Office of History and Archaeology ((907) 269-8721) so that known historic, prehistoric, or archeological sites may be avoided.

STANDARD ALTERNATIVE MEASURES

1. Depending on site-specific conditions, DFG may attach vehicle weight or timing and location restrictions on season of use, duration of use, or location, to avoid disturbance to important habitats, including salmon spawning areas, waterfowl nesting, rearing and

migratory staging areas, concentrations of intertidal plants and animals; and winter concentrations of wildlife. Disturbance includes noise or activity that agitates or dislocates fish or wildlife, compacts vegetation, or otherwise reduces the capacity of the above-noted habitats to support living resources.

2. Vehicle use shall not restrict public access to and use of fish and wildlife resources.
3. The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state-owned historic, prehistoric, or archeological site without a permit from the commissioner. Should any sites be discovered during the course of field operations, activities that may damage the site will cease and the Office of History and Archaeology in the Division of Parks and Outdoor Recreation ((907) 269-8721) and the appropriate coastal district shall be notified immediately.